

Applicants : Pablo Rubinstein, Philip Henry Coelho and Cladd Stevens
Serial No. : 09/855,789
Filed : May 15, 2001

REMARKS

Claims 25-32 were pending in the application. Claims 25-32 stand rejected. By this Amendment, applicants have canceled Claim 26 and have amended Claims 25, 27 and 28 to better define applicants' invention. Accordingly, Claims 25 and 27-32 are presently pending and under examination.

The amendments to the claims are supported by the application as originally filed, and do not introduce new material. Accordingly, entry of the amendments to Claims 25, 27 and 28 is respectfully requested.

In view of the preceding amendments and the remarks which follow, applicant respectfully request that the Examiner reconsider and withdraw the rejections set forth in the August 1, 2002 Office Action, and earnestly solicit allowance of the claims currently under examination, namely, Claims 25 and 27-32.

35 U.S.C. §101 Rejection

Claims 25-32 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 25 has been amended to include a cryoprotective agent. The addition of a cryoprotectant to the isolated blood creates patentable subject matter, since the therapeutic product cannot be reproduced by nature, unaided by man. Claims 27 and 28 have been amended to properly depend on Claim 25. As such, Claims 25 and 27-32 are directed to statutory subject matter. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Applicants : Pablo Rubinstein, Philip Henry Coelho and Cladd Stevens
Serial No. : 09/855,789
Filed : May 15, 2001

Information Disclosure Statement

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicants enclose herewith Form PTO/SB/08A and PTO/SB/08B, and copies of the references listed therein. The Examiner is respectfully requested to fully consider these references and to independently ascertain their teachings.

Drawings

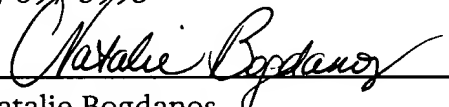
In the Office Action, the Examiner stated that the application was filed with the informal drawings. Applicants will provide formal drawings when the application is allowed.

No fee, other than the \$180 fee due under 37 C.F. R. § 1.17(p) for the filing of the Information Disclosure Statement, is deemed necessary in connection with the filing of this Amendment. If any fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 697-5995

Dated: New York, New York
October 24, 2002

By: 
Natalie Bogdanos
Registration No. 51,480

Applicants : Pablo Rubinstein, Philip Henry Coelho and Cladd Stevens
Serial No. : 09/855,789
Filed : May 15, 2001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

25. (amended) A therapeutic product obtained from cord blood or placental blood, said product comprising white blood cells having a white cell viability greater than 80% of said white cell viability in said cord blood or placental blood [and], less than all of plasma contained in said blood and a cryoprotective agent.

27. (amended) The therapeutic product of Claim [26] 25, wherein said cryoprotective agent comprises dimethyl sulfoxide.

28. (Amended) The therapeutic product of Claim [26] 25, wherein said cryoprotective agent comprises dextran.